## REMARKS

Claims 1-7, 10-22 and 25-33 are pending in the present application. Claims 1, 3, 14-16, 18, 29, and 30 are amended. Reconsideration of the claims is respectfully requested.

### I. 35 U.S.C. § 102, Anticipation

The Office Action rejects claims 1-7, 10-22, 25-33 under 35 U.S.C. § 102 as being anticipated by *Logan et al.* (US Patent No. 5,721,827). This rejection is respectfully traversed.

With respect to claims 1 and 16, the Office Action states:

> As to claims 1, 16, with respect to Figures 1 and 5-7, Logan teaches a method in a data processing system for processing voice messages, the method comprising the data processing system implemented steps of:
>
> recording a comment (voice message) (Col. 40, lines 43-63);
>
> responsive to recording of the comment (voice message), automatically inserting program ID data (an indicator) into a file (text message) indicating a presence of a voice message (Col. 14, lines 42-67 and Col. 40, lines 46-55);
>
> responsive to recording the comment (voice message), automatically appending the comment (voice message) to the file (text message) to form an appended voice message (Col. 40, lines 59-60); and
>
> uploading (sending) the file (text message) with the appended voice message (Col. 41, lines 2-7).

Office Action, dated November 4, 2003. Applicant respectfully disagrees. *Logan* teaches a system for electronically distributing personalized information. A library of programs is provided to subscribers through a player subsystem. The player is primarily an audio player used to play subscriber audio content. See *Logan*, col. 2, line 67, to col. 10, line 5. The audio player of *Logan* also allows the user to record voice comments.

A cited portion of *Logan* states:

> The fifth command, a "MARK" command at **280**, is used to place a "bookmark" into the usage log which identifies a program segment, or a portion of a program segment, which the listener wishes to designate for future use. In its simplest form, the bookmark recording function indicated at **281** may simply record a bookmark and the

> Program_ID of the current program segment into log file. By bookmarking a program segment, that segment may be recalled by the subscriber and all or part of it saved for later use in local storage, from which it may be reproduced, forwarded as an attachment to an email message, and the like.

*Logan*, col. 14, lines 42-52. Furthermore, another cited portion of *Logan* states:

> As discussed previously in connection with **FIG. 3** and **263-264**, the embodiment which described also includes the capability of accepting comments from a subscriber at any time during the course of program playback. When such a comment is recorded, it is saved as separate file (or other identifiable data) together with the Program_ID of the program commented upon, the byte location within the playing program file where the comment or annotation is being made, a Class variable indicating the nature of the record, the Class variable being used as the Class variable in the Program_Segment record for the comment or annotation or comment, and the date and time of day when the comment is being created. When the comment is created, the user is then requested to specify, either by voice response or by a keyboard selection, whether the information to be recorded is to be treated as:
>
> An annotation to be appended to the playing program record;
>
> or
>
> 1. A comment which is treated as an independent message/program segment.

*Logan*, col. 40, lines 43-63. This cited portion of *Logan* fails to teach or suggest appending a voice message to a text message to form an appended voice message, as alleged in the Office Action. To the contrary, the Program_ID of *Logan* is stored in a separate log file. In fact, *Logan* expressly states that the voice comment messages are "uploaded to the host system where they exist as program_segments."

In contradistinction, claim 1 recites:

> 1. A method in a data processing system for processing voice messages, the method comprising the data processing system implemented steps of:
>
> responsive to a request from a user to record a voice message, **presenting a graphical user interface for composing a text message, wherein the graphical user interface includes a recipient field for**

**entering a recipient address and controls for recording a voice message**;

responsive to the user **entering a recipient address in the recipient field** and recording a voice message using the controls, forming a text message to be sent to the recipient address;

responsive to a request to send the text message, automatically inserting an indicator into the text message indicating a presence of a voice message;

responsive to the request to send the text message, automatically appending the voice message to the text message to form an appended voice message; and

**sending the text message with the appended voice message to the recipient address**. [emphasis added]

Thus, claim 1 recites presenting a graphical user interface for recording a voice message, wherein the graphical user interface includes a recipient field and controls for recording a voice message. *Logan* fails to teach or suggest the graphical user interface recited in claims 1 and 16.

The applied reference fails to teach or suggest each and every claim limitation; therefore, claims 1 and 16 are not anticipated by *Logan*. Claims 16 and 29 recite similar features and are allowable for the same reasons. Claims 1, 16, and 29 are not anticipated by *Logan* and the rejection must be withdrawn.

Since claims 2-7, 17-22, 30, 32, and 33 depend from claims 1, 16, and 29, the same distinctions between *Logan* and the invention recited in claims 1, 16, and 29 apply for these claims. Additionally, claims 2-7, 17-22, 30, 32, and 33 recite other additional combinations of features not suggested by the reference. Consequently, it is respectfully urged that the rejection of claims 1-7, 16-22, 29, 30, 32, and 33 is overcome.

With respect to claims 10 and 31, the Office Action states:

As to Claims 10, 31, with respect to Figures 1 and 5-7, Logan teaches a method in a computer for receiving messages, the method comprising:

receiving a program record (first text message) including a custom message of a first type (Col. 31, lines 22-36);

parsing the first text message for markers (an identifying string) identifying a presence of a custom message associated with the first text message (Col. 31, lines 22-36); and

responsive to the presence of the identifying string and responsive to selection of the text message, identifying the first type and presenting

first controls to access the first custom message (Col. 10, lines 51-55 and Col. 31, lines 22-36);

receiving a bookmark (second text message) including a comment (second custom message) of a second type (Col. 10, lines 51-55 and Col. 31, lines 51-56);

parsing the second text message for an identifying string identifying a presence of a custom message (Col. 11, lines 26-35 and Col. 31, lines 51-57); and

responsive to a presence of an identifying string in the second message, identifying the second type and presenting second controls to access the second custom message (Col. 11, lines 26-35 and Col. 31, lines 56-60).

Office Action, dated November 4, 2003. Applicant respectfully disagrees. The cited portion of *Logan* states:

> An "I" Selection_Record contains an integer identification of an image file which is downloaded and stored using a filename found in an image filename table indexed by the image identification number. This indirect access to the image files eliminates the necessity of storing the filenames themselves in the selections file 351. The "I" image file identification records immediately precede a "J" record which specifies the offset location from the start of the compressed audio file where the image display begins. In normal "slide show" presentations, the current image display continues until the position indicated by a subsequent "I"-"J" record at which point the display shifts to the second image. The "K" record type is provided to indicate the position at which the current image display is turned off for those instances when it is desired to suppress the image display entirely.

*Logan*, col. 31, lines 22-37. The cited portion of Logan does not teach or suggest "receiving a first text message including a first custom message of a first type," "parsing the first text message for an identifying string identifying a presence of a custom message associated with the first text message," and "responsive to the presence of the identifying string and responsive to selection of the text message, identifying the first type and presenting first controls to access the first custom message," as alleged in the Office Action. At best, the cited portion teaches that image files are identified by integer identifications in image file identification records. The Office Action proffers no analysis as to how this cited portion somehow teaches parsing a received text message for

an identifying string, identifying a type of custom content, and presenting controls to access custom content of the identified type.

A cited portion of *Logan* also states:

> As indicated at **233**, the playback session begins with the presentation of an audio (and/or displayed) menu which allows the user to jump to any program segment within that sequence to start (or resume) playback at **235**, or terminate the session at **236**.

*Logan*, col. 10, lines 51-55.

> Each time the playback begins a new programming, advertising or announcement segment, the segment start time is recorded in the usage log file stored at **109 (FIG. 1)**. Each usage log record contains a program segment identification number (ProgramID) obtained from the selections file as well as a start time and date stamp encoded into a 32 bit date-time value, a volume level setting indicating the volume at which the player was set at that time, and a playing speed value indicating the playing speed or playing being used.

*Logan*, col. 11, lines 26-35. Neither the cited portion, nor any other portion, of *Logan* teaches or suggests "receiving a first text message including a first custom message of a first type," "parsing the first text message for an identifying string identifying a presence of a custom message associated with the first text message," and "responsive to the presence of the identifying string and responsive to selection of the text message, identifying the first type and presenting first controls to access the first custom message," as recited in claim 10.

In fact, the Office Action cites seemingly arbitrary portions of the reference with no analysis as to why the features found in *Logan* are equivalent to those recited in the claims. For example, how are image file identification records equivalent to receiving a text message including a custom message of a first type? How is an audio menu equivalent to identifying a second type of custom message and presenting second controls to access the second custom message? *Logan* does not teach or suggest "**parsing** the first text message **for an identifying string identifying a presence of a custom message** associated with the first text message" or "**parsing** the second text message **for an identifying string identifying a presence of a custom message**," as recited in claim 10.

Furthermore, *Logan* fails to teach or suggest receiving two text messages with two custom messages of two different types, parsing the two messages for identifiers, identifying the two different types, and presenting two different controls to access the custom messages. Again, the Office Action cites seemingly arbitrary portions of the reference with no analysis as to why the teachings of the reference are equivalent to the claim limitations. The applied reference fails to teach or suggest each and every claim limitation; therefore, claims 10, 25, and 31 are not anticipated by *Logan*. Claims 25 and 31 recite similar features and are allowable for the same reasons. Claims 10, 25, and 31 are not anticipated by *Logan* and the rejection must be withdrawn.

Since claims 11-13 and 26-28 depend from claims 10 and 25, respectively, the same distinctions between *Logan* and the invention recited in claim 10 apply for these claims. Additionally, claims 11-13 and 26-28 recite other additional combinations of features not suggested by the reference. Consequently, it is respectfully urged that the rejection of claims 10-13, 25-28, and 31 is overcome.

With respect to claims 14 and 29, the Office Action states:

> As to Claims 14, 29, with respect to Figures 1 and 5-7, Logan teaches a messaging system for use in a data processing system, the messaging system comprising:
>
> a graphical user interface, wherein the graphical user interface provides selections for user input to create and send comments (voice messages)(Col. 14, lines 64 through Col. 15, line 6 and Col. 40, lines 55-58); and
>
> a message processing mechanism, wherein the message processing mechanism has a plurality of modes of operation including:
>
> a first mode of operation in which the message processing mechanism waits for a user input (Col. 12, lines 16-24 and Col. 40, lines 22-32);
>
> a second mode of operation, responsive to a user input in the first mode of operation to record a voice message, in which the message processing mechanism stores voice data in a file (Col. 12, lines 24-38 and Col. 40, lines 45-55);
>
> a third mode of operation, responsive to a user input in the first mode of operation to select a recipient for the voice message, in which the message processing mechanism receives a selection of a recipient for the voice message (Col. 12, lines 32-38 and Col. 40, line 64 through Col. 41, line 7); and
>
> a fourth mode of operation, responsive to a user input in the first mode of operation to send the voice message and to a presence of a recipient for the voice message, in which the message processing

> mechanism creates a comment (a text message), inserts program ID data (an identifying string), identifies a presence of the voice message in the file (text message), appends the file to the text message, and send the comment (text message) to the recipient (Col. 14, line 56 through Col. 15, line 12 and Col. 42, lines 1-20).

Office Action, dated November 4, 2003. Applicant respectfully disagrees. Claims 14 and 15 recite features similar to those presented in claims 1-7, 16-22, 29, 30, 32, and 33 and are allowable for the same reasons. The applied reference fails to teach or suggest each and every claim limitation; therefore, claims 14 and 29 are not anticipated by *Logan*. Claims 14, 15, 29, and 30 are not anticipated by *Logan* and the rejection must be withdrawn.

Therefore, the rejection of claims 1-7, 10-22, 25-33 under 35 U.S.C. § 102 is overcome.

Furthermore, *Logan* does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. *Logan* actually teaches away from the presently claimed invention because it teaches storing voice comment messages as program_segments separate from subscriber audio content, as opposed to presenting a graphical user interface for entering a recipient address and recording a voice message and appending the voice message to a text message to form an appended voice message as in the presently claimed invention. Absent the Office Action pointing out some teaching or incentive to implement *Logan* with a text message system with custom messages, one of ordinary skill in the art would not be led to modify *Logan* to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion, or incentive to modify *Logan* in this manner, the presently claimed invention can be reached only through an improper use of hindsight using the applicant's disclosure as a template to make the necessary changes to reach the claimed invention.

The Office Action rejects claims 1, 3, 5-6, 32, 16, 19-21 under 35 U.S.C. § 102 as being anticipated by *Lung et al.* (US Patent No. 6,532,230). This rejection is respectfully traversed.

The Office Action states:

> As to claims 1, 3, 5-6, 32, 16, 19-21, with respect to Figures 5-10, Lung teaches a method in a data processing system for processing voice

messages, the method comprising the data processing system implemented steps of:

recording a voice message (Figure 5, label 610);

responsive to recording of the voice message, automatically inserting an attachment (an indicator) into an e-mail (text message) indicating a presence of a voice message (Figure 5, label 615);

responsive to recording the voice message, automatically appending the voice message to the e-mail (text message) to form an appended voice message (Figure 5, label 620); and

sending the e-mail (text message) with the appended voice message (Figure 10, label 860).

Office Action, dated November 4, 2003. Applicant respectfully disagrees. Independent claims 1 and 16 are amended to recite presenting a graphical user interface for composing a text message, wherein the graphical user interface includes a recipient field for entering a recipient address and controls for recording a voice message. *Lung* teaches a mixed-media communication apparatus and method for recording a voice message using a telephone handset and attaching the voice message to a document, which is received from a client application, to form a mixed-media message. Since the mixed-media message in *Lung* is formed using two separate devices, *Lung* does not teach a single graphical user interface for entering a recipient address and for presenting controls to record a voice message.

The applied reference fails to teach or suggest each and every claim limitation; therefore, claims 1 and 16 are not anticipated by *Lung*. Since claims 3, 5, 6, 19-21, 32, and 33 depend from claims 1 and 16, the same distinctions between *Lung* and the invention recited in claims 1 and 16 apply for these claims. Additionally, claims 3, 5, 6, 19-21, 32, and 33 recite other additional combinations of features not suggested by the reference. Consequently, it is respectfully urged that the rejection of claims 1, 3, 5, 6, 16, 19-21, 32, and 33 is overcome.

## II. Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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